

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
 Washington, D.C. 20554

|                                   |   |                        |
|-----------------------------------|---|------------------------|
| In re Applications of             | ) | MM DOCKET NO. 99-153   |
|                                   | ) |                        |
| READING BROADCASTING, INC.        | ) | File No. BRCT-940407KF |
|                                   | ) |                        |
| For Renewal of License of         | ) |                        |
| Station WTVE(TV), Channel 51      | ) |                        |
| Reading, Pennsylvania             | ) |                        |
|                                   | ) |                        |
| and                               | ) |                        |
|                                   | ) |                        |
| ADAMS COMMUNICATIONS              | ) | File No. BPCT-940630KG |
| CORPORATION                       | ) |                        |
|                                   | ) |                        |
| For Construction Permit for a New | ) |                        |
| Television Station to Operate on  | ) |                        |
| Channel 51, Reading, Pennsylvania | ) |                        |

To: Administrative Law Judge  
 Richard L. Sippel

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FEDERAL COMMUNICATIONS COMMISSION  
 OFFICE OF THE SECRETARY

**ENFORCEMENT BUREAU'S MOTION TO COMPEL**  
**ANSWERS TO INTERROGATORIES**

1. On January 27, 2000, Reading Broadcasting, Inc. ("RBI") filed objections to the Enforcement Bureau's ("Bureau") interrogatories. The Bureau, pursuant to Section 1.323(c) of the Commission's Rules and the Presiding Officer's Order, FCC 00M-11, released February 3, 2000, hereby moves to compel RBI to answer the interrogatories specified below.

2. By Memorandum Opinion and Order, FCC 99M-61, released October 15, 1999, the Presiding Officer added an issue to determine, *inter alia*, whether RBI principal, Micheal Parker ("Parker"), lacked candor in various applications which described why the Commission had cancelled a construction permit held by Mt. Baker Broadcasting, Inc. ("Mt. Baker"), an entity under Parker's control. See Mt. Baker Broadcasting, Inc., 3 FCC 4777 (1988). Entities in which

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Parker had a substantial or controlling interest, including RBI, had filed the applications. The applications had accurately reported the cancellation of the Mt. Baker permit but provided no hint that the Commission had cancelled the permit in large measure because the Parker-controlled entity had attempted to deceive the Commission with regard to the construction of the station, KORC(TV).

3. The Bureau interrogatories at issue read as follows:

5. Identify all persons who were present at Station KORC(TV), Anacortes, Washington, when it was inspected by FCC personnel on April 28, 1987.
6. With respect to the construction of Station KORC(TV), Anacortes, Washington, identify all persons who determined that the antenna, its height above average terrain, and its effective radiated power should differ from the facilities authorized in the station's construction permit.
7. Identify all persons who determined the substance of the wording used in the application of Mt. Baker for extension of its construction permit for Station KORC(TV), Anacortes, Washington (File No. BMPCT-860701KP); Mt. Baker's December 31, 1986, petition for reconsideration of the staff's December 5, 1986, denial of the referenced application; Mt. Baker; Mt. Baker's October 27, 1987, petition for reconsideration of the staff's cancellation of the construction permit; Mt. Baker's February 25, 1988, application for review; and Mt. Baker's September 6, 1988, petition for reconsideration of the Commission's Memorandum Opinion and Order, 3 FCC Rcd 4777, released August 5, 1988.

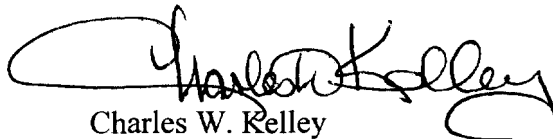
These interrogatories seek to identify the persons who are most intimately acquainted with Mt. Baker's failure to construct KORC(TV) as authorized, as well as those who then apparently lied about that construction to the FCC. The Bureau suspects that these persons include Parker and others directly under his control at the time. If Parker had a significant role in the construction of

the station and the preparation of the documents referenced in the interrogatories, this, in turn, should provide an insight into what Parker knew when he prepared the application descriptions which omitted to mention why the Commission had cancelled the Mt. Baker permit. Parker's knowledge, in turn, is directly relevant to the question of intent. If he intended to deceive the Commission with regard to his descriptions of the Mt. Baker matter, the qualifications of RBI would be called into question in light of Parker's role at RBI. Thus, the interrogatory answers should lead to the adduction of relevant, admissible evidence; therefore, RBI should answer the interrogatories. *See* Section 1.311(b) of the Commission's Rules.

4. RBI also objects to answering the interrogatories "as unduly burdensome." The Bureau acknowledges that RBI will have to expend time and money to determine who was present at the inspection, and who was involved in the preparation of the referenced documents. The Bureau also understands that a lack of records and faulty memories may not allow RBI to answer completely all three interrogatories. However, this burden is not so great that RBI should be allowed not to look for the information sought by the Bureau. In this regard, the Bureau believes it likely that that information requested is available to Parker given his substantial or controlling role with Mt. Baker.

5. Accordingly, for the reasons stated, RBI should be ordered to produce the documents described by Bureau Request No. 3.

Respectfully submitted,  
David H. Solomon  
Chief, Enforcement Bureau

A handwritten signature in black ink, appearing to read "Charles W. Kelley". The signature is fluid and cursive, with a large initial "C" and "K".

Charles W. Kelley  
Chief, Investigations and Hearings Division

A handwritten signature in black ink, appearing to read "James W. Shook". The signature is fluid and cursive, with a large initial "J" and "S".

James W. Shook  
Attorney

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February 7, 2000

CERTIFICATE OF SERVICE

Karen Richardson, secretary of the Enforcement Bureau's Investigations and Hearings Division, certifies that she has on this 7th day of February, 2000, sent by facsimile or by hand, copies of the foregoing "Enforcement Bureau's Motion to Compel Answers to Interrogatories" to:

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Karen Richardson